

PB# 86-84

Rotwein, Perry, & Franke

34-2-7

ROTWEIN, PERRY & FRANKE SUB. 86-84
(2 lot) *NOT APPROVED*

County File No. **NWT 48-86N**

COUNTY PLANNING REFERRAL

(Mandatory County Planning Review under Article 12-B,
Section 239, Paragraphs 1, m & n, of the
General Municipal Law)

Application of Perry & Frauke Rotwein
for a Minor Subdivision
County Action: Local Determination

LOCAL MUNICIPAL ACTION
The Above-cited application was:

Denied Approved
Approved subject to County recommendations

.....
(Date of Local Action)

.....
(Signature of Local Official)

This card must be returned to the Orange County Department of Planning
within 7 days of local action.

TOWN OF NEW WINDSOR		General Receipt		8350
555 Union Avenue New Windsor, N.Y. 12550		<u>November 3</u> , 19 <u>86</u>		
Received of <u>Perry Signs Inc</u>		\$ <u>25.00</u>		
				DOLLARS
For <u>Sub-Division</u>		<u>86-84</u>		
DISTRIBUTION				
FUND	CODE	AMOUNT		
<u>CB # 4701</u>		<u>25.00</u>		
		By <u>Pauline H. Townsend</u>		
		<u>Town Clerk</u>		
		Title		

Williamson Law Book Co., Rochester, N. Y. 14609

MADE IN U.S.A.

NO. 753 113

Maps given to

- ✓ Eng.
- ✓ Bldg Insp.
- ✓ Fire Bureau
- ✓ Water
- ✓ Sanitary
- ✓ Highway
- ✓ OC Planning

(2 Lot) Not APPROVED

86-84



Louis Helmbeck
County Executive

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by T. NEW WINDSOR PLANNING BO D P & D Reference No. NWT 8-88N
CH PATRICK T. KENNEDY, L.S. County I.D. No. 34 1 2 1 7
Applicant PERRY AND FRIKE ROTWEIN
Proposed Action: MAJOR SUBDIVISION
State, County, Inter-Municipal Basis for 239 Review FRONTAGE/ACCESS NYS 207

County Effects: ADEQUACY OF RESULTING LOTS WITH RESPECT
TO MIN ZONING REQUIREMENTS AND ACTIVITIES
BEING ALLOWABLE NC ACTIVITIES AND USES

Related Reviews and Permits _____

County Action: ☒ Local Determination _____ Approved _____ Disapproved _____

Approved subject to the following modifications and/or conditions: _____

FEB 22, 1988
Date

Peter Garrison
Commissioner

☐ Postcard Returned
Date _____

ZONING BOARD OF APPEALS

FEBRUARY 22, 1988

REVISED AGENDA:

7:30 P.M. - ROLL CALL

Motion to accept the minutes of the February 8, 1988 meeting as written.

PRELIMINARY MEETING:

P.H. 1. GALLAGHER TRUCKING - Matter referred from Planning Board. Conceptual approval given pending ZBA approval for use in PI zone and/or extension of non-conforming use. Present: Greg Shaw, P.E., Shaw Engineering.

P.H. 2. KULLBERG, KARL - Request for (1) 4,530 s.f. area variance for lot #1 and (2) 4,400 s.f. lot area variance for lot #2 - two lot subdivision referred by Planning Board. Location: Off Ash Street in R-3 zone. (No town water available-sewer is available).

P.H. 3. PAOLA, BETTY - Request referred by Planning Board for two lot subdivision - Lot #1 requires 10.75 ft. sideyard and Lot #2 requires 10.75 ft. sideyard, also. Location: Union Avenue off Mac Nary Lane in R-4 zone.

J. SHAW 4. FREEDOM ROAD REALTY - SECOND PRELIMINARY - Applicant is seeking two front yard variances for two additions located on northside and southside of Insulpane building - 335 Temple Hill Road in PI zone. ZBA requested additional information, i.e. original building permit, architectural renderings, etc. Present: Pat Kennedy.

TABLE 5. DUFFER'S HIDEAWAY - Referred by Planning Board for variances for construction of a batting cage addition to golf driving range located on Route 3. within a PI zone.

PUBLIC HEARING:

IS APPROVED ROTWEIN, PERRY - Matter referred by Planning Board for area variances. Applicant plans to subdivide property into two lots located on southside of Little Britain Road. Pat Kennedy present representing applicant. Variances required:

- Lot #1- (1) 35 ft. lot width;
- (2) 11 ft. sideyard;
- Lot #2- (3) 1 ft. 7 in. side yard
- (4) 11 ft. rear yard

6. FORMAL DECISION - KUBICH, RANDALL.

ADJOURNMENT

PAT 565-8550 (o)
562-7107 (h)

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, N.Y.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

File No. 86-84

Date 2-8-88

To: Perry Rotwein & Frank Rotwein
335 Temple Hill Road
New Windsor, N.Y. 12550

PLEASE TAKE NOTICE that your application dated Oct 26, 1986
for (Subdivision - Site Plan)
located at South Side of Little Britain Road (N.Y. Rte 207)

is returned herewith and disapproved for the following reasons.

Minimum lot width, side yard & rear yard

Henry Schulte, cmv
Planning Board Chairman

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width <i>(lot 1) 100'</i>	<i>65'</i>	<i>35'</i>
Req'd Front Yd.		
Req'd. Side Yd. <i>(lot 1) 15' / 35'</i>	<i>4' / 37.5</i>	<i>11' / 0</i>
Req'd. Rear Yd. <i>(lot 2) 15'</i>	<i>13.3' / 45.9</i>	<i>1.7' / 0</i>
Req'd. Street Frontage*	<i>4</i>	<i>11</i>
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential Districts only

Schiefer: Mark, do you have any preference?

Edsall: Something just to note it because that was one of the concerns by the Board that is a steep slope. I am concerned about it if I lived there, and I think it just should be noted there is a multitude of ways to do it as long as it is put in correctly and that is up to the property owner.

Mr. Zimmerman: We have no objection to the blacktop curbing 12 inches and the separate drives.

Mr. McCarville: Do we have comments from the fire department?

Mr. Schiefer: We ave sanitary approval and that is it.

Mr. Zimmerman: This driveway already exists if there were any type of fire, they's come right across.

Mr. Morasse: I have had cement trucks up and down both drives, if a cement truck can I am sure a fire truck can.

Mr. Zimmerman: You'd want to see us back with those two changes.

Mr. Schiefer: It would be easier to address this as a lot line change.

Mr. Van Leeuwen: Let's leave it as a subdivision.

Mr. Edsall: When you go to file the map with the County they are going to accept it as a three lot subdivision if there is already three lots, what will happen then.

Mr. Van Leeuwen: If we keep it as a subdivision we have to charge him fees.

Mr. Zimmerman: We will change the title and application form to reflect that change to a lot line.

Mr. Schiefer: If you will submit new maps next time.

Mr. Zimmerman: Thank you.

ROTWEIN SUBDIVISION (86-84) KENNEDY

Mr. Kennedy came before the Board representing this proposal.

Mr. Schiefer read the list of comments from the Town Engineer regarding this proposal.

Mr. Kennedy: What we are looking for is a denial so we can go to the Zoning Board of Appeals.

Mr. Van Leeuwen: "That the Planning Board of the Town of New Windsor approve the Rotwein Subdivision." Seconded by Mr. McCarville.

Roll Call: Mr. Jones Nay

Nov 11, 1987

Mr. Loder Nay
Mr. Van Leeuwen Nay
Mr. McCarville Nay
Mr. Schiefer Nay

Mr. Schiefer: We will write a letter to the Zoning Board referring this matter to them.

MIDWAY DELI SITE PLAN (86-86) KLEIN

Mr. Klein came before the Board representing this proposal.

Mr. Schiefer read the engineer's comments regarding this proposal.

Mr. Klein: I was using the old requirement for the parking spaces. The Mid Way Market, the owner Mr. Hayes is here tonight, and last summer there was an accident at the Mid Way when a car lost its brakes and went through the window. Mr. Babcock was helpful in helping him secure the premises quickly and allowing him to make the repairs so he can stay in operation. Mr. Hayes has brought pictures along showing what happened at that time and the subsequent improvements and the very attractive facade we have now. This is what we wanted to increase this, there was a very obvious open L shape here in the front and Mr. Hayes needed more sales area and we were hoping to do it at that time in conjunction with the repairs of the accident to build this section.

Mr. Van Leeuwen: You'd got to pick out what is storage and what is not.

Mr. Klein: Right, well the parking as most of you park it is all blacktop both in front and the adjoining owner Pennelli who has the video store there and the dry cleaners in that building and both owners are compatible with each other where everybody uses each others parking spaces, sometimes there are no cars, other times it is backed up and they are parking at the adjoining spots.

Mr. Van Leeuwen: If we were to approve you are going to have to give us parking in the back.

Mr. Klein: There is no way we can get the parking we need in the front.

Mr. McCarville: You have got 24 foot on the side here to bring you to the back to open up some parking there.

Mr. Klein: If that is the pleasure of the Board there is no other choice.

Mr. Van Leeuwen: If we approve we have to have X number of parking spaces for X number of feet. We cannot approve something that is in violation. Your only choice is to go get a variance with the Zoning Board of Appeals.

Mr. Klein: We'd rather not go for a variance because we have the land in the back of the place and it is all blacktopped. We have an elevation of what we proposed to do it will be a repeat of the existing facade, the brick and wood.

Mr. McCarville: If you knock off space 8 and 9 and go in the back put that additional spaces in the back to bring it up to the correct number of spaces you'd be all set here.



McGOEY and HAUSER
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. MCGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
Associate

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Rotwein Subdivision
PROJECT LOCATION: Off Route 207 near Old Little Britain Road
NW #: 86-84
11 March 1987

- 1). The Applicant proposes a two (2) lot subdivision of a .75 +/- acre parcel on the south side of Route 207.
- 2). The Applicant should clarify the intended use for both the existing house and existing block building such that the use can be evaluated for compliance with the bulk regulations.
- 3). The Board should note the peculiar orientation of the proposed lot line between lots 1 and 2. In addition, based on the proposed subdivision layout and our evaluation, lot 1 is not in compliance for lot width, sideyard and rear yard requirements; lot 2 is not in compliance for lot width, sideyard and rear yard requirements.
- 4). Based on the lack of information regarding the proposed uses, as well as the numerous non-compliances, the plan as submitted is not acceptable from an engineering standpoint.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEfmD

RdF

March 16, 1987

Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, NY 12550

Attn: Jack Babcock, Chairman

Re: Rotwein Subdivision (86-84)

Dear Mr. Babcock:

With regard to the above proposal, please be advised that it has been denied by the Town of New Windsor Planning Board and referred to the Zoning Board of Appeals for reasons listed in the Town Engineer's comments on the application.

Very truly yours,

TOWN OF NEW WINDSOR
PLANNING BOARD

Carl Schiefer

BY: CARL SCHIEFER (T.R.)
VICE CHAIRMAN

CS/fr

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12550

95

Date Received _____
Preapplication Approval _____
Preliminary Approval _____
Final Approval _____
Fees Paid _____

86-84

APPLICATION FOR SUBDIVISION APPROVAL

Date: Oct. 27, 1986

1. Name of subdivision Subdivision of Lands for Perry Rotwein & Frauke Rotwein

2. Name of applicant Perry & Frauke Rotwein Phone 457-9915

Address RD 1, Box 714 Bailey Rd, Montgomery New York 12549
(Street No. & Name) (Post Office) (State) (Zip Code)

3. Owner of record Same as owner Phone _____

Address _____
(Street No. & Name) (Post Office) (State) (Zip Code)

4. Land Surveyor Patrick T. Kennedy, L.S. Phone 564-6444

Address 335 Temple Hill Rd New Windsor N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip Code)

5. Attorney _____ Phone _____

Address _____
(Street No. & Name) (Post Office) (State) (Zip Code)

6. Subdivision location: On the South side of Little Britain Rd (N.Y. St. Rte 207)
(Street)

680 feet East of Weather Oak Hill Road
(direction)

7. Total Acreage 0.751 acres zone N.C. Number of Lots 2

8. Tax map designation: Section 34 ~~lots~~ Block 2, Lot 7

9. Has this property, or any portion of the property, previously been subdivided No.

If yes, when _____; by whom _____

10. Has the Zoning Board of Appeals granted any variance concerning this property No.

If yes, list case No. and Name presently before Z.B.A.

List all contiguous holdings in the same ownership.

Section _____ Block(s) _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed. IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

STATE OF NEW YORK)
COUNTY OF ORANGE : SS.:

I, Remy Notewell, hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true.

(PS) Remy Notewell

Mailing Address RD #1 Box 714 BAILEY RD
MONTGOMERY, N.Y. - 12549

SWORN to before me this

27th day of October, 1986

Martha Wayne
NOTARY PUBLIC

MARTHA WAYNE
Notary Public, State of New York
Qualified in Orange County
No. 9553790
Commission Expires March 30, 1987

ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

(a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.

(b) If any question has been answered Yes the project may be significant and a completed Environmental Assessment Form is necessary.

(c) If all questions have been answered No it is likely that this project is not significant.

(d) Environmental Assessment

1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land? ☐ Yes ☒ No
2. Will there be a major change to any unique or unusual land form found on the site? ☐ Yes ☒ No
3. Will project alter or have a large effect on an existing body of water? ☐ Yes ☒ No
4. Will project have a potentially large impact on groundwater quality? ☐ Yes ☒ No
5. Will project significantly effect drainage flow on adjacent sites? ☐ Yes ☒ No
6. Will project affect any threatened or endangered plant or animal species? ☐ Yes ☒ No
7. Will project result in a major adverse effect on air quality? ☐ Yes ☒ No
8. Will project have a major effect on visual character of the community or scenic views or vistas known to be important to the community? . . . ☐ Yes ☒ No
9. Will project adversely impact any site or structure of historic, pre-historic, or paleontological importance or any site designated as a critical environmental area by a local agency? . . . ☐ Yes ☒ No
10. Will project have a major effect on existing or future recreational opportunities? . . . ☐ Yes ☒ No
11. Will project result in major traffic problems or cause a major effect to existing transportation systems? ☐ Yes ☒ No
12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation? . ☐ Yes ☒ No
13. Will project have any impact on public health or safety? ☐ Yes ☒ No
14. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood? . . ☐ Yes ☒ No
15. Is there public controversy concerning the project? ☐ Yes ☒ No

PREPARER'S SIGNATURE: [Signature]

TITLE: Land Surveyor

REPRESENTING: Perry & Frank Ratawicz

DATE: Oct 27, 1986

9/1/78



Louis Heimbach
County Executive

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner
Paul Costanzo, Director of Community Development

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

D P & D Reference No. NYOT 48-86N

County I.D. No. 341 217

Applicant PERRY + FRAUKE ROTUNGIN
Proposed Action: MINOR SUBDIVISION - LITTLE BRITAIN RD.
State, County, Inter-Municipal Basis for 239 Review FRONTAGE AND PC ACCESS NY 207

County Effects: _____

Related Reviews and Permits NYSDOT

County Action: LOCAL DETERMINATION Approved _____ Disapproved _____

Approved subject to the following modifications: _____

NOVEMBER 7 1986
Date:

Peter Garrison
Commissioner

Card Attached

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by

Patrick T. Kennedy for the building or subdivision of

Perry & Frauke Rotwein has been

reviewed by me and is approved _____,

disapproved _____.

If disapproved, please list reason.

No information regarding sewage disposal systems

HIGHWAY SUPERINTENDENT

WATER SUPERINTENDENT

Lynn H. Mastenfe
SANITARY SUPERINTENDENT

November 4, 1986
DATE

WATER, SEWER, HIGHWAY REVIEW FORM:

The maps and plans for the Site Approval _____
Subdivision _____ as submitted by
J. Kennedy L.S. for the building or subdivision of
Rotwein property has been
reviewed by me and is approved ✓,
~~disapproved~~ _____.

~~If disapproved, please list reason.~~

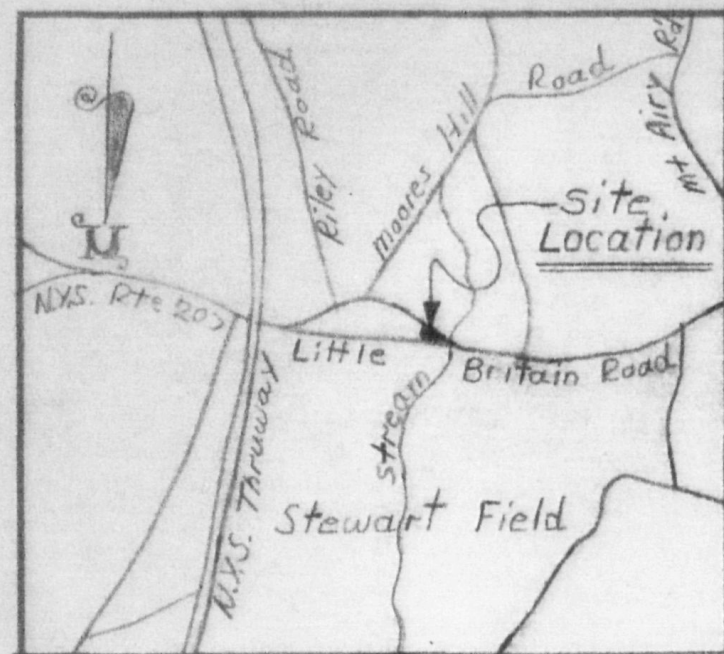
There is no existing Town water system
in this area -

HIGHWAY SUPERINTENDENT

✓ Steve Dido
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE



Location Map
Scale: 1" = 2,000'

Zoning District: NC

Minimum Required	Proposed	
	Lot #1	Lot #2
Lot Area: 10,000 S.F.	10,004 S.F.	22,719 S.F.
Lot Width: 100'	65'	170'
Front Yard: 40'	80'	26'
Side Yard: 15/35'	4/37.5'	13.3/145.3'
Rear Yard: 15'	10'	4'

Required Variance

- Lot #1 A. 35' Lot Width
B. 11' Side Yard
- Lot #2 A. 1.7' Side Yard
B. 11' Rear Yard

Note: Other Non-Conformities are existing

Tax Map Data:

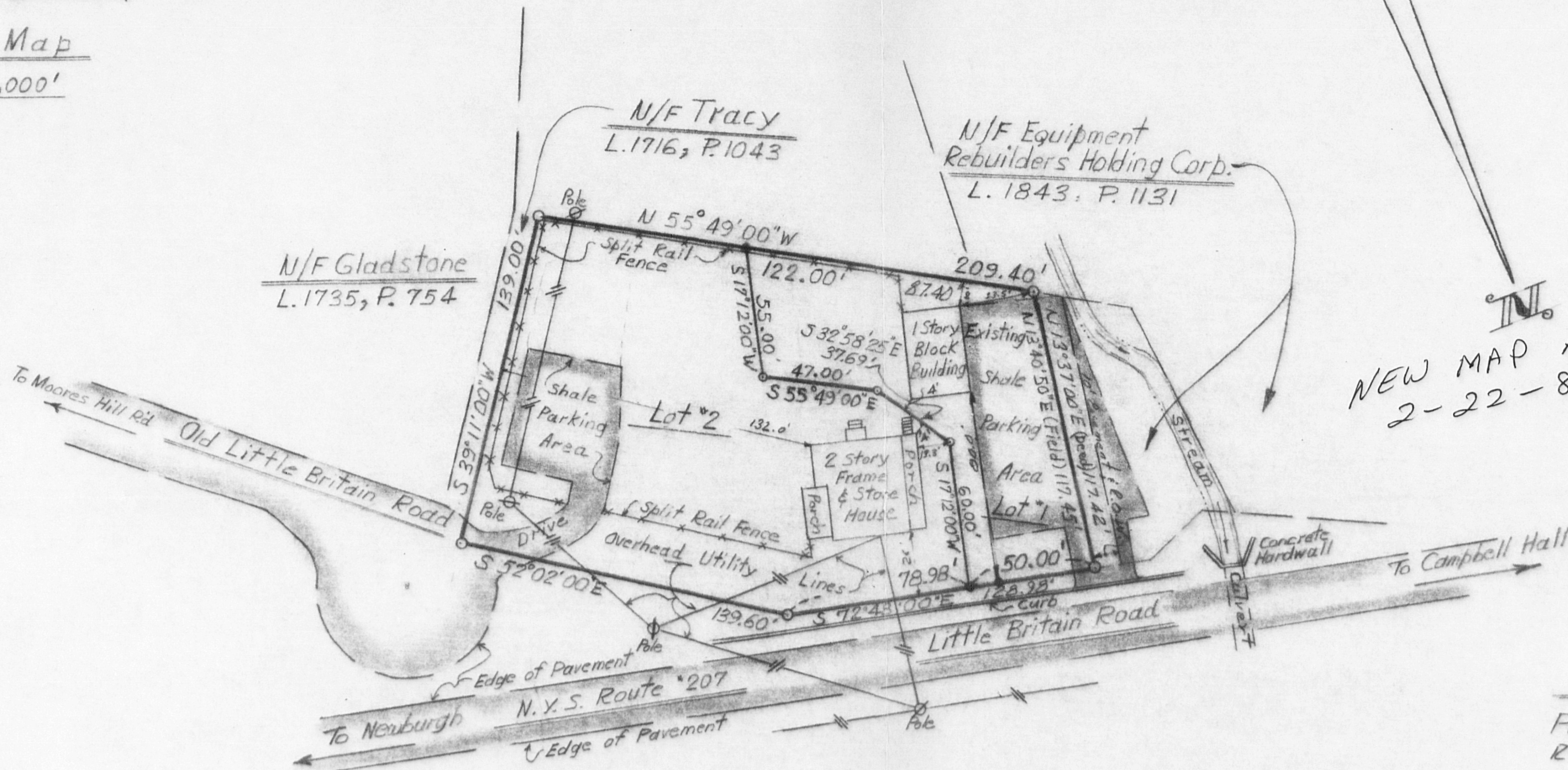
Section: 34
Block: 2
Lot: 7

Deed Reference:

Liber 1741, Page 113

Total Lot Area:

32,722 S.F. = 0.751 acres



NEW MAP AT ZONING BOARD
2-22-88

Record Owner & Subdivider:

Perry Rotwein & Frauke Rotwein
RD 1, Box 714, Bailey Road
Montgomery, New York 12549

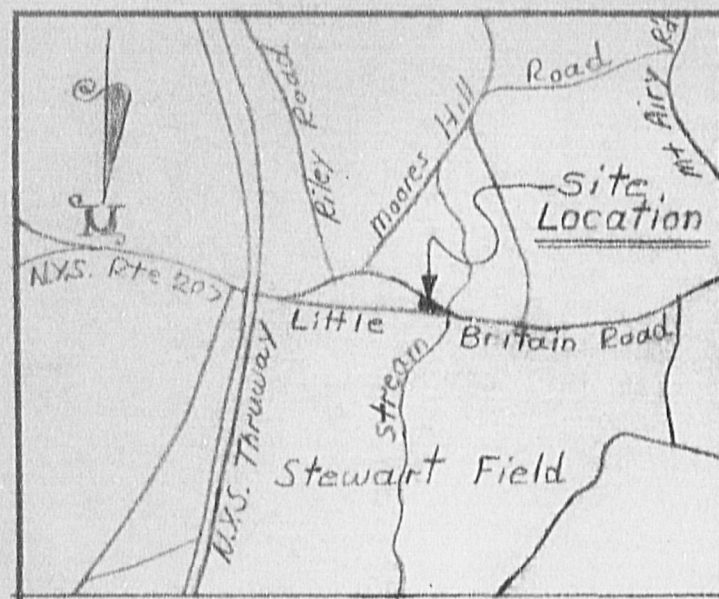
To Perry Rotwein, Frauke Rotwein
and The Town of New Windsor,
certified to be a correct and
accurate survey, based on a
actual field survey completed
September 30, 1986

Dated: Oct. 23, 1986

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law.
2. Only copies from the original of this survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.
3. Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the firm, company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
4. Underground improvements or encroachments, if any, are not shown hereon.



Patrick T. Kennedy L.S.	
335 Temple Hill Road - New Windsor, New York 12550	
SCALE: 1" = 40'	APPROVED BY:
DATE: Sept. 30, 1986	REVISOR: Dec. 15, 1988
Subdivision of Lands for Perry Rotwein & Frauke Rotwein Town of New Windsor Orange County, New York	
DRAWING NUMBER	86-633



Location Map
Scale: 1" = 2,000'

Zoning District: NC

Minimum Required	Proposed	
	Lot #1	Lot #2
Lot Area: 10,000 S.F.	10,004 S.F.	22,719 S.F.
Lot Width: 100'	65'	170'
Front Yard: 40'	80'	26'
Side Yard: 15'/35'	4'/37.5'	13.3'/45.3'
Rear Yard: 15'	10'	4'

Required Variance

Lot #1	A.	35' Lot Width
	B.	11' Side Yard
Lot #2	A.	1.7' Side Yard
	B.	11' Rear Yard

Note: Other Non-Conformities are existing

Tax Map Data:

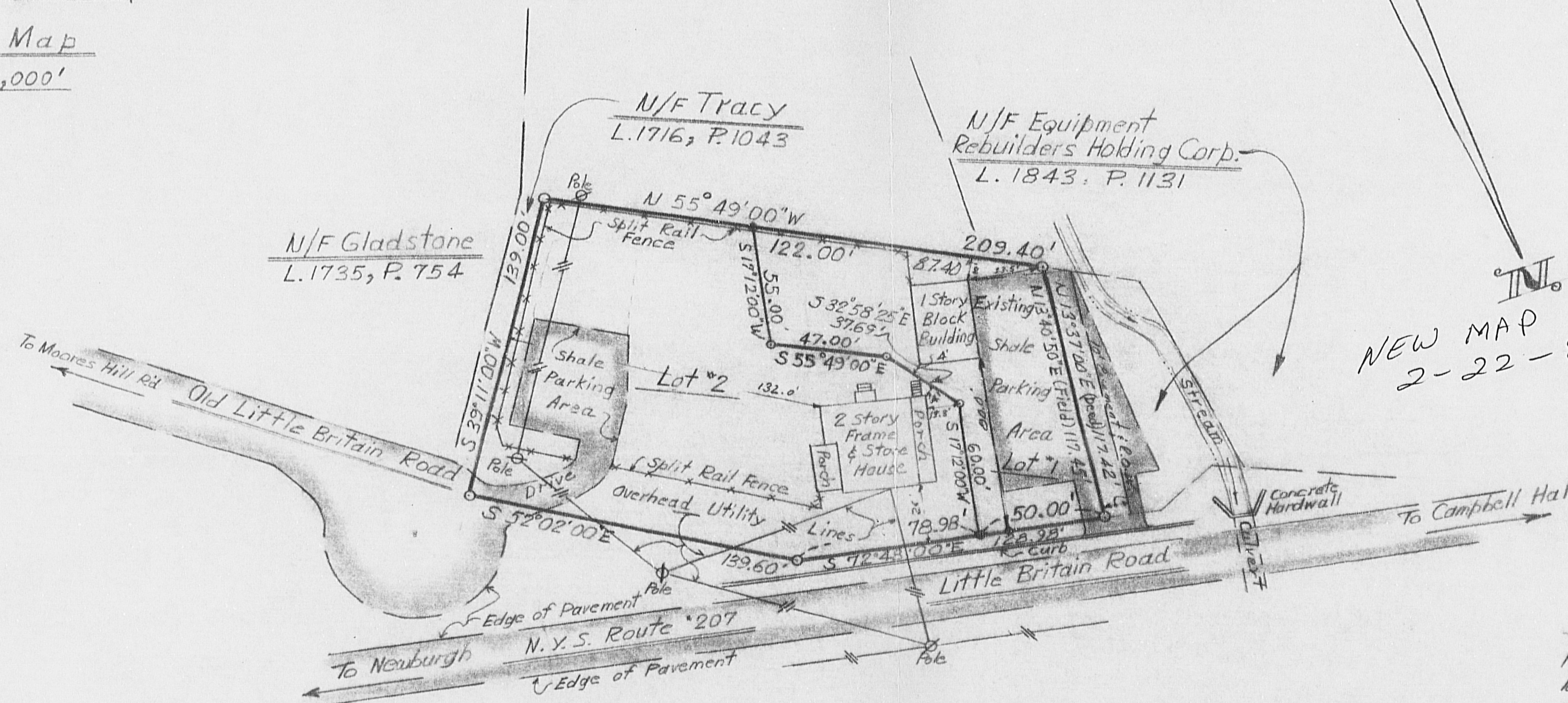
Section: 34
Block: 2
Lot: 7

Deed Reference:

Liber 1741, Page 113

Total Lot Area:

32,722 S.F. = 0.751 acres



NEW MAP AT ZONING BOARD
2-22-88

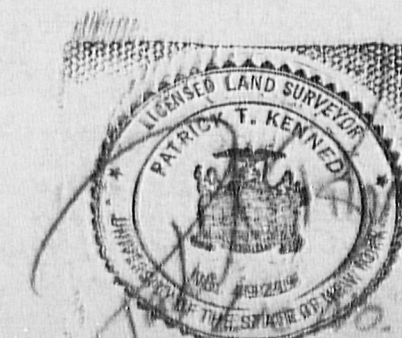
Record Owner & Subdivider:

Perry Rotwein & Frauke Rotwein
RD 1, Box 714, Bailey Road
Montgomery, New York 12549

To Perry Rotwein, Frauke Rotwein
and The Town of New Windsor,
certified to be a correct and
accurate survey, based on a
actual field survey completed
September 30, 1986

Dated: Oct. 23, 1986

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4. Underground improvements or encroachments, if any, are not shown hereon.



Patrick T. Kennedy L.S. 335 Temple Hill Road - New Windsor, New York 12550	
SCALE: 1" = 40'	APPROVED BY:
DATE: Sept. 30, 1986	DRAWN BY:
REVISOR: Dec. 15, 1988	
Subdivision of Lands for Perry Rotwein & Frauke Rotwein	
Town of New Windsor Orange County, New York	DRAWING NUMBER 86-633